
OLR Bill Analysis

sHB 5409 (as amended by House "A")*

AN ACT CONCERNING PET SHOPS AND CONSUMER REIMBURSEMENT FOR CERTAIN VETERINARY EXPENSES.

SUMMARY:

This bill makes changes in the pet lemon law. It specifies that pet shop customers may either seek reimbursement for certain veterinarian expenses for a dog or cat that suffers from an illness or congenital defect shortly after the sale, or request a replacement or refund for the animal. The bill prohibits pet shops from requiring the consumer to return the animal in order to receive a reimbursement. It requires certain pet shops to (1) post a statement informing customers of their rights under the pet lemon law and (2) give customers a copy of the statement when they buy a dog or cat.

By law, the agriculture commissioner may inspect licensed commercial kennels, pet shops, grooming facilities, or training facilities under certain circumstances. If he finds certain violations or unsanitary conditions, the bill authorizes him to impose a fine of up to \$500 for each animal subject to the violation.

The law bans potentially dangerous animals, including species of the *hominidae* family (e.g., gorilla, chimpanzee, and orangutan), but exempts primates weighing less than 35 pounds at maturity and imported into the state or owned before October 1, 2003. The bill extends the exemption for such primates to those imported or possessed before October 1, 2010.

The bill exempts ferrets, hedgehogs, sugar gliders, and degu from the law and regulations requiring permits for importing, introducing, possessing, or liberating any live fish, wild bird, wild mammal, reptile, amphibian, or invertebrate into the state. The law requires the energy

and environmental protection commissioner to adopt regulations specifying the species that must meet permit requirements.

*House Amendment "A" (1) requires pet shops to post a statement informing customers of their rights under the pet lemon law; (2) specifies that reimbursement of certain veterinary expenses is an option under the pet lemon law rather than an additional recourse, as in the underlying file; (3) authorizes, rather than requires, the agriculture commissioner to impose fines for certain violations by licensed kennels, pet shops, or grooming or training facilities; and (4) adds the provisions regarding primates and wild mammals.

EFFECTIVE DATE: October 1, 2012

PET LEMON LAW

By law, licensed pet shops must, at a dog or cat owner's option, replace or refund the purchase price of a dog or cat that (1) within 20 days after the sale, becomes ill or dies of an illness that existed at the time of sale or (2) within six months after the sale, is diagnosed with a congenital defect that adversely affects, or will adversely affect, its health. In the case of illness or congenital defect, the consumer must present a licensed veterinarian's certificate stating that the animal is ill from a condition that existed at the time of sale or suffers from a congenital defect. If the animal has died, the consumer must present a licensed veterinarian's certificate stating that an illness that existed at the time of sale caused the death.

Under current law, the pet shop has to reimburse the consumer for any costs, up to \$500, associated with veterinarian services related to the animal's illness or congenital defect, upon presentation of the veterinarian's certificate.

The bill specifies that a consumer has the option of either seeking reimbursement or requesting a replacement or refund. Thus, the consumer cannot do both. The bill also prohibits the pet shop from requiring the consumer to return the animal to the store in order to receive a reimbursement. Current law is silent on whether the animal

must be returned.

Consumer Rights Statement

The bill requires each licensed pet shop that sells dogs or cats to post a statement of consumer rights under the pet lemon law in a location readily visible to the public. It must be printed in black lettering of at least 20-point type size on a white background. The pet shop must also provide a copy of the statement to a customer when he or she buys a dog or cat. The agriculture commissioner must prescribe the content of the statement.

PENALTIES FOR CERTAIN VIOLATIONS

If upon inspection of a licensed commercial kennel, pet shop, or grooming or training facility, the commissioner determines that any of the following exists, the bill allows him to impose a fine of up to \$500 for each animal subject to the violation:

1. the premises are not being maintained in a sanitary and humane manner or in a way that protects public safety;
2. contagious, infectious, or communicable disease or other unsatisfactory conditions exist; or
3. in the case of a pet shop, the shop violates the invasive plant laws.

By law, he may quarantine the premises and animals and issue orders he deems necessary to correct the conditions.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 22 Nay 7 (03/23/2012)